THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.12664 OF 2006

DATE: 17-07-2006

Between:

N.Nasihath Begum

. . .Petitioner

and

The SHO, Rayachoty Police Station,
Kadapa district, and others

. . .Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.12664 OF 2006

O R A L O R D E R:

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

Counter-affidavits have been filed by respondents 1 and 3.

Petitioner's complaint is that at the instance of the fourth respondent, respondents 1 and 2 are harassing her and are regularly coming over to her house even during the nighttime, threatening her and using filthy and abusive language.

The Superintendent of Police, Kadapa, the third respondent herein, had filed a counter-affidavit stating that the fourth respondent had lodged a complaint on 09.02.2006 with the first respondent P.S. alleging that he had filed a civil suit, O.S.No.21 of 2006, before the Senior Civil Judge, Rayachoty alleging that the petitioner's husband by name Sabjar Basha had threatened him to withdraw the suit filed by him and that the said individual and his brother, Mahaboob Basha, are interfering with the disputed house. As the complaint appears to be in respect of civil dispute, the Station House Officer, second respondent herein, advised the complainant, the fourth respondent, to pursue his remedies in a competent civil Court and no case was registered. The third respondent further asserts that on the complaint of the petitioner, it was endorsed to the Sub-Divisional Police Officer to conduct an

enquiry and submit a report. The Police Officer conducted enquiry into the matter and submitted a detailed report. The report disclosed that on the complaint of the fourth respondent, one Assistant Sub-Inspector of Police and two Police Constables were sent to Sabjar Basha's house for conducting an enquiry and as the said Basha was not available, they returned. It is further stated that the fourth respondent thereafter approached the Court of the Judicial I-Class Magistrate, Rayachoty by way of a private complaint against the petitioner, her husband and her husband's brother. Complaint was endorsed with the direction to the answering respondents to register a case and investigate the same. In view of the orders of the competent Court, the second respondent registered Cr.No.151 of 2006 under Sections 420, 418, 419, 423, 468, 307 IPC read with Section 156(3) Cr.P.C. and the case is under investigation.

In the light of the averments in the counter-affidavit of the third respondent, which are not disputed by the petitioner, it is seen that what the police officials are doing is normal investigating process. The writ petition has been filed by the wife of Mr. Sabjar Basha to avoid the investigation. No case is made out for interference in the writ petition.

The writ petition is accordingly dismissed.

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(GODA RAGHURAM, J)

17th JULY, 2006.

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